

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 United States of America,

4 Plaintiff

5 v.

6 Alfonzo Lobas,

7 Defendant

Case No.: 2:12-cr-00109-APG-PAL

**Order Denying Motion to Correct  
Judgment**

[ECF No. 160]

8 Defendant Alfonzo Lobas filed a letter (which I will treat as a motion) requesting that I  
9 amend his judgment of conviction to give him credit for the time he was in custody before he  
10 was transferred to the Bureau of Prisons. ECF No. 160. I agree with Mr. Lobas that, when I  
11 sentenced him, I presumed he would receive credit for the time he had been in custody. But I did  
12 not and could not calculate the amount of time he should receive as a credit.

13 I do not have the authority to grant Mr. Lobas prison credit time. *United States v. Wilson*,  
14 503 U.S. 329, 334-335 (1992). Rather, that authority belongs to the Bureau of Prisons. *United*  
15 *States v. Checchini*, 967 F.2d 348, 349-350 (9th Cir. 1992) (citing *Wilson*). As the Government  
16 points out in its response, Mr. Lobas should pursue his administrative remedies through the  
17 Bureau of Prisons. If unsuccessful, he might seek review through a habeas petition.

18 I THEREFORE ORDER that the defendant's motion to correct the judgment (**ECF No.**  
19 **160**) **is denied** because I lack the authority to grant it.

20 DATED this 28th day of April, 2020.

21 

22 ANDREW P. GORDON  
23 UNITED STATES DISTRICT JUDGE